

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr Cullen
United Utilities
United Utilities Water Limited
Po Box 453
Warrington
WA55 1SE

PART 1 - Particulars of Application

Application Number: 66947

Date of Registration: 30/04/2021

Proposal:

Proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: new valve house buildings and kiosk with permanent vehicular access provision; installation of tunnel shafts and open cut connection areas within a temporary construction compound, to include site access, storage areas, plant and machinery, drainage infrastructure and a residents' parking area. In addition, mine grouting works, to facilitate main tunnelling works.

Location:

Land to east of M66 motorway, connecting Rochdale Road, Edenfield to Woodgate Hill WTW Compound, Bury

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 The development must be begun not later than five years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered BMBC-HW-APP-004-01-01 0, BMBC-HW-APP-004-01-02 1, BMBC-HW-APP-004-02 1, BMBC-HW-APP-004-04_01 0, BMBC-HW-APP-004-04_02 0, BMBC-HW-APP-004-04_03 0, BMBC-HW-APP-004-04_04 0, BMBC-HW-APP-004-04_05 1, 80061155-01-JAC-TR5-97-DR-C-00007 P03, 80061155-01-JAC-TR5-97-DR-C-00008 P01, BMBC-HW-APP-004-05_01 0, BMBC-HW-APP-004-05_02 1, BMBC-HW-APP-004-06 1, BMBC-HW-APP-004-07_01 0, BMBC-HW-APP-004-07_02 0, 80061155-01-UU-TR5-XX-DR-C-20023 P02, BMBC-HW-APP-004-09 0,

80061155-01-UU-TR5-DR-C-00042 P02, 80061155-01-UU-TR5-97-DR-C-00043 P02, 8006115-01-UU-TR5-97-DR-C-00044 P02, 80061155-01-UU-TR5-97-DR-C-00047 P01, BMBC-HW-APP-004-11_01 1, BMBC-HW-APP-004-13_01 1, BMBC-HW-APP-004-13_02 1, BMBC-HW-APP-004-13_03 1, BMBC-HW-APP-004-13_04 0, B27070CQ-JAC-XX-DR-C-TR6_GA-2206 P01.4, B27070CQ-JAC-XX-DR-C-TR6_VS-2007 P01.4, B27070CQ-JAC-XX-DR-C-TR6_VT-2118 P01.1 and the Planning Design and Access Statement and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

- 3 Prior to the commencement of development, a phasing plan showing the sequencing of the development for managing the construction, restoration and reinstatement works shall be submitted to and agreed in writing by the Local Planning Authority. Conditions (set out below) that are required to be submitted to the Local Planning Authority for approval shall be submitted to and agreed in writing by the Local Planning Authority in accordance with the sequence set out in the agreed phasing plan. The development shall thereafter be implemented solely in accordance with the approved scheme or as subsequently amended by written agreement with the Local Planning Authority.
Reason. Details are required prior to the commencement of development in order to secure satisfactory detailed delivery of the highway works within each phase of development and across the site as a whole in accordance with Policy HT1 - A balanced Transportation Strategy of the Bury Unitary Development Plan.
- 4 Notwithstanding the plans and details submitted, development within each phase approved under Condition 3 shall not be commenced until details for all the temporary above ground structures associated with the respective compounds for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the course of the development.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 5 Notwithstanding the plans and details submitted, development within each phase approved under Condition 3 shall not be commenced until details for all the permanent above ground structures for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the course of the development.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 6 The respective compounds shall be removed from site to the written satisfaction of the Local Planning Authority within 6 months of it ceasing operation.
Reason: In the interests of the visual amenity pursuant to Policies H3/1 – Assessing Non-Conforming Uses and OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
- 7 Development within each phase approved under Condition 3 above shall not be commenced until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site for the relevant phase has been submitted to, and approved in writing by, the Local Planning Authority;

- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 8 Following the provisions of Condition 7 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 9 Development within each phase approved under condition 3 shall not be commenced until a Materials Management Plan for the relevant phase has been submitted to, and approved in writing by the Local Planning Authority. For the purposes of this condition the term 'construction work' shall be taken to include any works to include works to prepare the site for development including site access points, haul roads and compound areas but excluding site investigation work. The materials management plan shall be developed following the site investigations and risk assessments and shall:

- a. Identify all locations from which material will be excavated;
- b. Utilising the information contained within the contaminated land investigation, identify those areas of excavation which are contaminated
- c. For areas of excavation which may be subject to contamination estimate the volume of material arising, the approximate volumes of material to be remediated on site and provisional volume to be disposed of off-site;
- d. Illustrate where and how the remediation of contaminated material would take place;
- e. Illustrate where and how remediated material would be re-used, including volumetric calculations to demonstrate that the material can be accommodated within the proposed area of use and any measures for containment for this material;
- f. Detail the frequency of testing and testing specification for soils generated during the cut and fill operations, including how the materials are to be segregated and stored;
- g. Identify screening criteria for assessment of whether the materials can be reused without treatment or mitigation;
- h. For areas of excavation which are not subject to contamination provide the volume of material arising, and illustrate where and how non-contaminated material would be re-used including volumetric calculations to demonstrate that the material can be accommodated within the proposed area.

Once approved the materials management plan shall be implemented in its entirety.

Reason. To ensure the proposed development does not pose an unacceptable risk

of pollution to controlled waters pursuant to Policy EN7 - Pollution Control of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 10 Development within each phase approved under Condition 3 above shall not be commenced until a Site Waste Management Plan (SWMP) for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the term 'construction work' shall be taken to include any works to prepare the site for development including site access points, haul roads and compound areas but excluding site investigation. The Site Waste Management Plan shall include details of:
- a. the anticipated nature and volumes of waste that will be generated by construction work;
 - b. the measures to minimise the generation of waste as a result of the proposed works;
 - c. measures to maximise the re-use on-site of such waste;
 - d. measures to be taken to ensure effective segregation at source of other waste arising during the carrying out of such works, including the provision of waste sorting, storage, recovery and recycling facilities as appropriate

The approved SWMP shall be implemented throughout the period of construction work on site.

Reason. To ensure the construction activities associated with the proposed development do not pose an unacceptable risk of pollution to controlled waters through the inappropriate management of waste on site pursuant to Policy EN7 - Pollution Control of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 11 Development within each phase approved under Condition 3 above shall not be commenced until a scheme detailing how surface water flows and quality will be controlled and managed during the construction phase of the development for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the term 'construction work' shall be taken to include any works to include works to prepare the site for development including site access points, haul roads and compound areas but excluding site investigation. The construction phase surface water management plan shall include the following and be implemented before construction starts:
- a. An assessment of potential flows that would need to be managed during construction, including flows from the existing aqueduct, construction compounds and access roads and as a result of any groundwater dewatering or tunnelling activities;
 - b. Details of the measures which would be put in place to capture, manage, treat and discharge flows from the component parts of the site identified in part a.
 - c. A programme for the installation, maintenance and removal of the measures set out in part b. This should include provision for adapting the mitigation if it proves not to be effective.
 - d. An assessment of potential contaminants which may be present in surface water runoff, and measures to segregate this surface or ground water from clean runoff;
 - e. Assessment of potential options to retain, test and treat or remove potentially contaminated surface water runoff during the works;
 - f. Details of a monitoring scheme to be implemented to confirm that no contaminants are present in runoff from the site intended for discharge to controlled waters (before, during and post construction)
 - g. Details of how existing surface waters will be protected from any surface and

ground waters generated

Once approved, the construction phase surface water management plan shall be implemented in its entirety and remain for the duration of the development. Should a need for amendments to the plan be required as a result of changing conditions, these must be submitted to and approved by the LPA.

Reason. To ensure the construction activities associated with the proposed development do not pose an unacceptable risk of pollution to controlled waters and associated species and habitats pursuant to Policy EN7 - Pollution Control of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 12 Development within each phase approved under Condition 3 above shall not be commenced until a scheme for the provision and management of any compensatory habitat necessary to mitigate the impacts of the project for the relevant phase has been submitted to, and agreed in writing by, the local planning authority and implemented as approved. Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason. To ensure the protection of wildlife and supporting habitats and secure opportunities for enhancing the site's nature conservation value and delivering biodiversity net gain pursuant to Policy EN6 - Conservation of the Natural Environment and the National Planning Policy Framework

- 13 Development within each phase approved under Condition 3 above shall not be commenced until a scheme to ensure that;

- All private water supplies that may be impacted by the proposed development have been identified and any measures necessary to mitigate the impacts of the development on them for the relevant phase have been agreed with the LPA;

Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason. To ensure that the proposed development does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework

- 14 Development within each phase approved under condition 3 above shall not be commenced until a Traffic Management Plan (TMP) for the relevant phase has been submitted and approved in writing by the Local Planning Authority in association with the Local Highways Authority. The TMP shall include:

- latest works programme, to allow coordination and understanding of cumulative impact of other programmed works in the area (linked to Condition 3 above)
- The construction site traffic routes to be controlled by condition, the TMP should include a plan that clearly identifies each route
- Detailed design of Castle Hill Road Temporary Access
- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular

Conflict.

- 15 The routing of construction site traffic to/from the site will at all times, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highways Authority, be restricted to the following routes set out below:

Woodgate Hill WTW Compound and Woodgate Hill mine grouting area

M66 Junction 2 either from the north or south, Rochdale Road, Derby Way, B6222 Moorgate, B6222 Bell Lane, B6222 Rochdale Old Road, Castle Hill Road.

[For up to approximately 12 weeks, via Second Avenue and then Sixth Avenue whilst the access on Castle Hill Road is constructed]

White Carr Lane Mine Grouting Area

From/to north Edenfield roundabout, A56 Wood Lane, A56 Whalley Road, A56 Manchester Road, A56 Walmersley Road, Walmersley Old Road, Bentley Lane, White Carr Lane.

From/to south M66, A56 Walmersley Road, Walmersley Old Road, Bentley Lane, White Carr Lane.

No other routes are to be used by site traffic unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highways Authority.

Reason. To avoid pedestrian and highway conflict in relation to the construction of the development pursuant to Policy HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.

- 16 Development within each phase approved under Condition 3 above shall not be commenced until a Construction Travel Plan for the relevant phase has been submitted to and approved in writing by the Local Planning Authority in association with the Local Highways Authority. The approved details shall be implemented before the respective phase commences.
Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent streets pursuant to Policy HT4 - New Development of the Bury Unitary Development Plan.
- 17 Development within each phase approved under Condition 3 above shall not be commenced until details of the location, design and specification of wheel-cleaning facilities or other measures to prevent the tracking out of material or debris onto the public highway for the relevant phase has been submitted to, and approved in writing by the Local Planning Authority. The wheel cleaning facilities or other measures approved pursuant to this condition shall be installed and thereafter maintained in working order and be used by all Heavy Goods Vehicles leaving the site throughout the construction and reinstatement phases.
Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy EN1/2 - Townscape and Built Development and Policy HT4 - New Development of the Bury Unitary Development Plan.
- 18 Development within each phase approved under Condition 3 above shall not be commenced until details of the location, design and specification of wheel-cleaning facilities or other measures to prevent the tracking out of material or debris onto the public highway for the relevant phase has been submitted to, and approved in writing by the Local Planning Authority. The wheel cleaning facilities or other measures approved pursuant to this condition shall be installed and thereafter maintained in working order and be used by all Heavy Goods Vehicles leaving the site throughout the construction and reinstatement phases.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy EN1/2 - Townscape and Built Development and Policy HT4 - New Development of the Bury Unitary Development Plan.

- 19 Development within each phase approved under Condition 3 above shall not be commenced until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works for the relevant phase. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
1. Informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:
 - i. archaeological evaluation trenching (based on the trenching plan supplied to Jacobs by GMAAS on 10th March 2021)
 - ii. informed by the above, more detailed targeted excavation (subject of a new WSI).
 2. A programme for post investigation assessment to include:
 - iii. analysis of the site investigations records and finds
 - iv. production of a final report on the investigation results
 3. Deposition of the final report with the Greater Manchester Historic Environment Record
 4. Dissemination of the results commensurate with their significance.
 5. Provision for archive deposition of the report and records of the site investigation.
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason. To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible pursuant to Policies EN3/1 – Impact of Development on Archaeological Sites, EN3/2 – Development Affecting Archaeological Sites and EN3/3 – Ancient Monuments of the Bury Unitary Development Plan and Section 16 of the NPPF.

- 20 Development within each phase approved under Condition 3 above shall not be commenced until the mitigation measures for dust and air quality referred to in the Environmental Statement have been implemented for the relevant phase and are available for use.

Reason. To ensure the proposed development would not have an adverse impact upon air quality pursuant to Policy EN7/1 - Atmospheric Pollution of the Bury Unitary Development Plan.

- 21 No tree felling or vegetation clearance required to facilitate the scheme should be undertaken during the optimum time for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.

Reason. All nesting birds, their eggs and young are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended) pursuant to Bury UDP Policies EN6/3 and NPPF Chapter 15 .

- 22 Any trees scheduled for removal as part of detailed plans for the scheme should be further inspected for the possible presence of bat roosts before any felling work commences. Surveys must be carried out by suitably qualified persons and to appropriate standards. If bats are found, measures must be proposed for the avoidance of harm to bats and for compensatory provision of replacement roosting sites.

Reason. All UK bats and their resting places are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of

- 23 A precautionary survey of the works area for Badgers must be undertaken prior to work commencing. If the presence of badgers is recorded, a method statement must be prepared giving details of measures to be taken to avoid any possible harm to badgers

Reason. Badgers are mobile in their habits, and are protected under the terms of the Protection of Badgers Act 1992. There is suitable habitat in the works areas to support badgers pursuant to Bury UDP Policies EN6/3 and NPPF Chapter 15.

- 24 Development within each phase approved under condition 3 shall not be commenced until a detailed management / method statement for the relevant phase is submitted to and approved in writing by the Local Planning Authority giving details of measures to be taken to prevent the spread of the invasive plant Himalayan balsam during the course of the scheme.

The approved management / statement plan shall include a timetable for implementation and be submitted prior to ground works, affected by such invasive species, takes place. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. The scheme does not provide full details of the actual extent of Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 25 Measures proposed for mitigating and compensating for the ecological harm which the scheme will cause as set out in the Environmental Statement (and in particular in the Construction Code of Practice (Appendix 3)) and Chapter 9 (Terrestrial and Aquatic Ecology)) are required to be implemented as approved.

Reason. in the interests of protecting wildlife and the natural environment pursuant to Bury UDP Policies EN6/3 and NPPF Chapter 15.

- 26 Comprehensive Habitat and Landscape Management plans must be required to be prepared for new on-site landscapes and habitats. The Management plans and proposals should include details of the mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

Reason. in the interests of landscape and habitat quality and sustainability pursuant to Bury UDP Policies EN6 and NPPF Chapter 15.

- 27 An Ecological Clerk of Works must be required to be appointed to oversee all aspects of the enabling, construction and reinstatement works.

Reason. in the interests of protecting wildlife and the natural environment pursuant to Bury UDP Policies EN6/3 and NPPF Chapter 15.

- 28 Development within each phase approved under Condition 3 above shall not be commenced until;

a) A scheme of targeted additional intrusive investigations (either in advance of the proposed works or during the mine stabilisation phase) has been agreed and carried out as required on site to establish the risks posed to the development by past coal mining activity.

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on

site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason. The scheme does not provide full details of the actual risk from coal mining, which is required to secure the satisfactory development of the site in relation to coal mining pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 29 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason. The scheme does not provide full details of the actual risk from coal mining, which is required to secure the satisfactory development of the site in relation to coal mining pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 30 Development within each phase approved under Condition 3 above shall not be commenced until full details of the following have been submitted on a topographical survey of the site/adopted highways to, and agreed with, the Local Planning Authority:

- Scheme of highway works to a scope and specification to be agreed to relocate the affected pedestrian refuge at the Rochdale Old Road/Castle Hill Road junction following the undertaking of an appropriate swept path analysis exercise of manoeuvring heavy goods vehicles that will access the site via this route;
- Scheme of highway works to a scope and specification to be agreed to reinstate the affected pedestrian refuge in its original position upon completion of the development;
- Scheme of highway works to a scope and specification to be agreed to form the proposed site access onto Castle Hill Road, replacement footway and site access pedestrian crossing point following the undertaking of an appropriate swept path analysis exercise of manoeuvring heavy goods vehicles that will access the site via this junction;
- Scheme of highway works to a scope and specification to be agreed to reinstate the affected adopted highway at, and footway on, Castle Hill Road and abutting boundary wall upon completion of the development;
- Undertaking of an appropriate swept path analysis exercise of manoeuvring heavy goods vehicles that will access the site via the Bentley Lane/Public Footpath No. 15, Bury junction, and, if deemed necessary as a result of the exercise, appropriate scheme of highway works and pedestrian protection measures to a scope and specification to be agreed;
- Review of existing/need for the provision of new waiting/loading restrictions on the Second Avenue/Sixth Avenue, Roachdale Old Road/Castle Hill Road and Walmersley Old Road/Bentley Lane access routes to the site access points, incorporating measures to monitor and amended/supplement any implemented Traffic Regulation Orders.

The details subsequently approved shall be implemented to an agreed programme.

Reason. To ensure good highway and secure a safe access to the site in terms of highway safety and the flow of traffic in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN1/11	EN1/11 - Public Utility Infrastructure
EN2	EN2 - Conservation and Listed Buildings
EN2/1	EN2/1 - Character of Conservation Areas
EN2/2	EN2/2 - Conservation Area Control
EN3/1	EN3/1 - Impact of Development on Archaeological Sites
EN3/2	EN3/2 - Development Affecting Archaeological Sites
EN3/3	EN3/3 - Ancient Monuments
EN5	EN5 - Flood Protection and Defence
EN5/1	EN5/1 - New Development and Flood Risk
EN6	EN6 - Conservation of the Natural Environment
EN6/1	EN6/1 - Sites of Nature Conservation Interest (SSSI's, NNR's and Grade A SBI's)
EN6/2	EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's)
EN6/3	EN6/3 - Features of Ecological Value
EN6/4	EN6/4 - Wildlife Links and Corridors
EN6/5	EN6/5 - Sites of Geological Interest
EN7	EN7 - Pollution Control
EN7/1	EN7/1 - Atmospheric Pollution
EN7/2	EN7/2 - Noise Pollution
EN7/3	EN7/3 - Water Pollution
EN7/4	EN7/4 - Groundwater Protection
EN7/5	EN7/5 - Waste Water Management
EN8	EN8 - Woodland and Trees
EN8/2	EN8/2 - Woodland and Tree Planting
EN9	EN9 - Landscape
OL1	OL1 - Green Belt
OL1/2	OL1/2 - New Buildings in the Green Belt
OL1/5	OL1/5 - Mineral Extraction and Other Development in the Green Belt
OL4	OL4 - Agriculture
OL4/1	OL4/1 - Agricultural Land Quality
RT3/4	RT3/4 - Recreational Routes
HT2/3	HT2/3 - Improvements to Other Roads
HT1	HT1/1 - A Balanced Transportation Strategy
HT2/4	HT2/4 - Car Parking and New Development
HT2/6	HT2/6 - Replacement Car Parking
HT4	HT4 - New Development
HT6	HT6 - Pedestrians and Cyclists
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
HT6/1	HT6/1 - Pedestrian and Cyclist Movement

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

BMBC-HW-APP-004-01-01 0
BMBC-HW-APP-004-01-02 1
BMBC-HW-APP-004-02 1
BMBC-HW-APP-004-04_01 0
BMBC-HW-APP-004-04_02 0
BMBC-HW-APP-004-04_03 0
BMBC-HW-APP-004-04_04 0
BMBC-HW-APP-004-04_05 1
80061155-01-JAC-TR5-97-DR-C-00007 P03
80061155-01-JAC-TR5-97-DR-C-00008 P01
BMBC-HW-APP-004-05_01 0
BMBC-HW-APP-004-05_02 1
BMBC-HW-APP-004-06 1
BMBC-HW-APP-004-07_01 0
BMBC-HW-APP-004-07_02 0
BMBC-HW-APP-004-80061155-01-UU-TR5-XX-DR-C-20023 P02
BMBC-HW-APP-004-09 0
80061155-01-UU-TR5-DR-C-00042 P02
80061155-01-UU-TR5-97-DR-C-00043 P02
8006115-01-UU-TR5-97-DR-C-00044 P02
80061155-01-UU-TR5-97-DR-C-00047 P01
BMBC-HW-APP-004-11_01 1
BMBC-HW-APP-004-13_01 1
BMBC-HW-APP-004-13_02 1
BMBC-HW-APP-004-13_03 0
BMBC-HW-APP-004-13_04 0
B27070CQ-JAC-XX-DR-C-TR6_GA-2206 P01.4
B27070CQ-JAC-XX-DR-C-TR6_VS-2007 P01.4

NOTES TO APPLICANT

.1. Environment Agency Advice to applicant

Conditions 12 & 13

Where a development involves any significant construction or related activities, we would recommend using a management and reporting system to minimise and track the fate of construction wastes, such as that set out in PAS402: 2013, or an appropriate equivalent assurance methodology. This should ensure that any waste contractors employed are suitably responsible in ensuring waste only goes to legitimate destinations. Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice. The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/

[pb13530-waste-hierarchy-guidance.pdf](https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities)

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as, “*any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy*”. We have produced guidance on the recovery test which can be viewed at:

<https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, ‘uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...’ in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate Environmental Permit or exemption from us for waste storage, treatment, transfer, use or disposal. More information on the definition of waste can be found here:

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here:

<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the WFD). The ‘Is it waste’ tool, allows you to make an assessment and can be found here:

<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

The law requires anyone dealing with waste to keep it safe and make sure it’s dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found at

https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-code-practice-2016.pdf. The code of practice applies to you if you produce, carry, keep,

dispose of, treat, import or have control of waste in England or Wales. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

Waste must be classified using the correct code from [Technical guidance WM3: waste classification](#). The guidance can be found here

<https://www.gov.uk/government/publications/waste-classification-technical-guidance>

It is a comprehensive reference manual for anyone involved in producing, managing and regulating waste.

More information on the Waste Framework Directive can be found at

<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on permitting can be found at

<https://www.gov.uk/guidance/waste-environmental-permits>

[*Surface water quality \(Condition 14\)*](#)

The ES identifies an increased risk posed to surface water receptors from fine sediment input (silt), however the mitigation section does not provide a detailed plan for the avoidance and management of this risk. This is a key risk from the project that has been highlighted at an early consultation stage and a robust management plan

needs to be in place with monitoring and mitigation actions specified in advance so that the risk to surface water quality as well as ecological receptors (fish migration routes, eels, salmonids, coarse fish and crayfish) can be assessed.

Flood risk provisions in the proposed Construction Code of Practice submitted suggest the use of stand by pumps to remove surface water from working areas but there is no consideration of where any silty water arising from these working areas would be disposed of. While various options exist (treatment, removal from site or discharge to a local watercourse), the impacts of each option need to be considered to identify an appropriate solution.

During the works to pump water from the existing aqueduct, chlorine will need to be removed before any is discharged to watercourses. However the ES states if storage on site is exceeded, the water would be discharged without removing the chlorine. This could have adverse effects on the receiving watercourses including fish and crayfish. Assessment should be made and submitted for review which ensures sufficient storage capacity is available to avoid this impact.

More detail is required regarding how any elevated flow rates into receiving watercourses from compounds will be managed. This detail should include how these flows will be attenuated using the drainage ponds to ensure that scour and erosion does not damage existing bankside and in channel habitat within the receiving watercourses, impacting fish and crayfish habitat. More detail is required from the applicant to establish a sustainable flow rate for the receiving watercourses that does not result in these adverse impacts, a drainage plan should be developed to ensure discharges from the proposed works do not exceed this level. Dependant on the nature of discharges from the site, an Environmental Permit may be needed at the compounds to enable discharges to occur.

The project will likely need one or more Environmental Permits or Abstraction licences, issued under the Environmental Permitting Regulations and Water Resources Act respectively. The applicant should be aware that it can take between 4 to 6 months for such permits/licences to be issued, and we would recommend that an exercise to identify which permits are needed is completed as soon as possible and that applications are lodged with the Environment Agency well in advance of the permits being required.

We would welcome the opportunity to review and provide comment on the pollution prevention and environmental mitigation measures submitted to satisfy condition 14.

Condition 15/Section 106 Legal Agreement

Fisheries and Biodiversity

The ES, in sections 7.0 & 20.1 (schedule of mitigation measures), Environmental Masterplan; as specified in Table 6 of the WFD assessment, indicates a commitment to adopt an environmental (water quality/geomorphological) monitoring programme and adaptive management strategy for the River Roch, WFD waterbody. It is essential that this is undertaken as there is still some uncertainty of the risks involved and the potential for deterioration.

It is currently unclear in the submitted reports (as design is ongoing) exactly which areas will be affected and which habitats will be lost / altered in some locations, this is essential to ensure the habitats currently at these locations are assessed for impact in the ES and the effect of their loss / change picked up in net gain assessments. This includes:

- Determining how many drainage ponds will be needed, their size and their final position. This needs to be resolved in order to provide reassurance that

there is sufficient storage capacity preventing the need to directly discharge to watercourses without treatment and also understand the areas of existing habitat disturbed

- The decommissioning of the old aqueduct pipe is predicted to cause some changes to groundwater flows along its route, this could affect habitat quality in the vicinity. The applicant proposes a monitoring plan and mitigation if the impacts are detected. It would be appropriate to take a precautionary approach and ensure that mitigation options are explored and consulted on in advance. This is to ensure that mitigation is indeed possible if monitoring in the future shows it is required. The reports highlight that further assessment of impacts to GWDTE's are ongoing, these should be provided for consultation when available.
- The ES acknowledges that silt is likely to be generated from the construction areas and run off likely into watercourses. Wherever possible, wide margins of rough/tall vegetation should be retained along watercourses adjacent to working areas to help filter out silt before it reaches watercourses. Consideration should also be given to the use of silt mats/siltbuster equipment to reduce the amount of silt pollution reaching local watercourses.
- Section 9B of the ES - Aquatic Ecology; identifies the sediment risk to crayfish as significant, however doesn't pick up the same risk as significant for fish. We recommend this is updated and the impact to fish assessed.
- Air valves are proposed every 500 metres along the aqueduct length requiring a buried chamber and access cover, localised ground raising and grassed bank, but these locations are not specified and the works are not covered in the ES.
- Some of the top soil storage areas are marked on plans as provisional (if needed) but it is unclear whether the ES and the net gain assessment have picked up these areas for impact assessment or whether they are currently not included in the submitted assessments and will require clarification.
- The submitted planting schedule indicates that it will be resolved at detailed design. There is currently no information regarding seed mixes for reinstatement areas, therefore it is difficult to determine if these areas will be improved or decline in habitat quality after the works, this affects the Net Gain assessment. Please provide an updated planting schedule when available and cross reference with the Biodiversity Net Gain assessment.
- The net gain assessment submitted has not assessed river units, nor has it used full botanical survey information, therefore once the designs are finalised and impact areas known, an updated Biodiversity Net Gain assessment should be submitted and provided for consultation. If required, an updated off site mitigation plan to ensure at least 10% net gain is achieved should be submitted. The commitment to an identified habitat creation area in Bury is acknowledged.
- Bankside vegetation should be reinstated along watercourses using native species of local provenance as soon as possible to reinstate habitat and prevent bankside erosion. This should occur following disturbance during the construction phase, and following the removal of temporary culvert extensions and temporary outfalls.

- Biosecurity measures should be highlighted in the Code of Construction Practice due to the presence of invasive species such as Japanese Knotweed and the presence of non-native signal crayfish in watercourses.

Flood risk

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Jacobs referenced, HBC_RBC_BMBC-HW-TA-008-001, titled; Proposed Haslingden and Walmersley Section ES, Volume 4 Appendix 8.1: Flood Risk Assessment, May 2021). We have reviewed the FRA in so far as it relates to our remit and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Ground Water and Contaminated land

Condition 16

Activities associated with the proposed development can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Mitigation measures for groundwater are described in Section 7.7.3 and if the proposed development proceeds it must be in strict accordance with the mitigation methods identified. In addition, further information will be required to consider the following points:-

- The ES has identified several private water supplies (PWS). We note that little information is provided about these and therefore a detailed assessment cannot be completed. However, it is noted that field surveys and site visits are included in the mitigation section. The local authority listing should be obtained to check against although this will only identify abstractions for human consumption and it does not include other private water users. The BGS Waterwells database on Geoindex should also be checked for records.
- P35 (Section 71) states that there are no SPZs, however every potable groundwater supply has a default 50 metre Zone 1 designation. As previously stated grouting operations may need a permit under the Environmental Permitting Regulations 2016 unless we can deem the activity as de minimis under EPR 3(3), i.e. it has to be so small that it would not be discernible. For any large scale grouting operations of voids, appropriate investigations and tests will be required before a formal permit could be granted. This is to ensure that the groundwater is protected and any relevant receptors are not harmed. It is noted that the need for a detailed risk assessment is highlighted in the mitigation section.

A detailed Groundwater Dependent Terrestrial Ecosystems (GWDTE) assessment has been completed for the 6 GWDTEs identified. The conclusions of the assessment of impacts on the GWDTEs are agreed with but as noted above, further risk assessments of grouting are to be undertaken and should further consider impacts on the GWDTE. Mitigation measures for groundwater are described in Section 7.7.3. If the proposed development proceeds it must be in strict accordance with the mitigation methods identified. The monitoring strategy identified in mitigation WE27 will need to be consulted on and agreed prior to the works going ahead.

Further Advice to applicant

An abstraction licence is required for dewatering during all phases of the works when this is from a borehole, shaft or wellpoint system where >20m³/d of water is abstracted.

The dewatering exemption for small scale engineering works does apply when abstracting <100m³/d for up to 6 months but only if this dewatering is from a sump or excavation. If this dewatering is within 250 metres of a spring, well or borehole that is used to supply water for any lawful use then the exemption volume is reduced to 50 m³/d.

The dewatering for the shafts at Woodgate Hill WTW would both require an abstraction licence, as despite the smaller shaft dewatering at a rate of 6.5m³/d (i.e. <20m³/d volume threshold) dewatering at a rate of 120m³/d for the larger shaft would require a licence. It is not permitted to have a both an abstraction licence and an abstraction exemption at the same location.

Please be aware that there may be a delay of 6-8 months between applying for and receiving a licence and therefore a precautionary approach is recommended in case volumes are found to exceed those anticipated

- .2. Condition 31
The condition is likely to be satisfied through the s106 agreement. The agreement should also include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- .3. The applicant's attention is drawn to the need to complete Section 278 Agreement under the Highways Act 1980 in respect of the works to be carried out on the highway in connection with the proposed development.
- .4. The applicant's attention is drawn to the legal procedures for the alteration of existing and implementation of new traffic regulation orders on the surrounding highways required as a result of the proposed development. Such work should not take place until the statutory requirements have been completed and all costs associated with the orders are to be met by the developer.
- .5. The applicant's attention is drawn to the existence of the Public Rights of Way across part of the site/access route. No development should take place which affects the Rights of Way in the absence of an appropriate closure or diversion order.

Signed:



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On behalf of the Council

Date of Decision: 15/06/2023